

REMARKS

Applicants gratefully acknowledge the Examiner's reversal of the office action mailed August 26, 2003 and the consideration given the November 25, 2003 supplemental response. The objections to claims 36 and 37 will be addressed first. It is to be noted that these claims were dependent upon claim 31, which recited an act of distributing content-mastered optical disks. Clearly, these disks had to be mastered to become content-mastered disks. Claims 36 and 37 were merely limiting the way these disks were mastered in that the content was distributed over a communications link, whereupon it was mastered onto optical disks to form the content-mastered disks. To clarify this issue, claim 36 has been amended so that it recites the act of "downloading the content to optical disks over a communications link to form the information content-mastered optical disks." Accordingly, claim 36 is a proper dependent claim, which also cures the objection to claim 37 since it depends upon claim 36.

The objections to claims 31, 32, 34, and 38 were evidently made without giving proper consideration to the supplemental response of November 25, 2003. In that response, claim 31 was amended as follows:

31. A method for distribution of content, comprising:

distributing information content-mastered optical disks to a plurality of users, wherein each optical disk includes the content and a unique identifier and wherein a first portion of the content on each optical disk is readable by an optical disk reader only in response to the following steps:

distributing a first permission code to the optical disk reader in exchange for a first payment,

generating a first access code by using the first permission code and the unique identifier; and

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writing the first access code onto the optical disk, whereby the optical disk reader may read the first portion of the content stored on the optical disk by using the first access code.

Plainly, there is thus antecedent basis for reciting "the first permission code" given the addition of the underlined material which included the recitation of "a first permission code." Moreover, claim 31 also plainly recites "a first payment" so that there is antecedent basis for later reciting a "second payment" in claim 34. Thus, the rejections under 35 USC 112 to claims 32, 32, 34, and 38 should be withdrawn.

Turning now to the rejections over the prior art, Applicants believe it will be helpful to (once again) point out the following advantages provided by the claimed methods. As discussed by Applicants on, for example, page 1, lines 5 through 19, in traditional methods of distributing stored content, the acts of distribution and payment are tightly coupled – you go to the store, pay for mastered content, and it is then distributed to you. Alternatively, you may go online, order and pay for mastered content, and it is then distributed to you. These traditional methods of distribution have substantial associated costs such as warehousing and employee wages.

To address the problems in the prior art, applicants have invented a way to decouple distribution and payment. In such a method, content-mastered optical disks are distributed to users. However, at least a portion of the mastered content is read-protected and thus inaccessible to the users. Each disk has a unique identification number. To gain access to the inaccessible portion, the users must provide a payment. Using the unique identification user, a processor generates an access key which is distributed to the user. By writing this access key on the disk, an optical reader may then gain access to the read-protected content.

For example, consider claim 31, which recites a "method for distribution of content, comprising: distributing information content-mastered optical disks to a plurality of users, wherein each optical disk includes the content and a unique identifier, and wherein a first

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portion of the content on each optical disk is readable by an optical disk reader only in response to the following steps: distributing a first permission code to the optical disk reader in exchange for a first payment; generating a first access code by using the first permission code and the unique identifier, and writing the first access code onto the optical disk, whereby the optical disk reader may read the first portion of the content stored on the optical disk by using the first access code." Thus, in such a method of distributing content, the content on each optical disk is unreadable unless an access code is written onto the optical disk.

Keeping these advantages in mind, consider the Subler reference (USP 5,646,992). Here, Applicants must respectfully express some frustration with this prolonged prosecution, which is only aggravated by the irrelevance of this reference. Specifically, Subler discloses only the distribution of CD-ROMS (see, Figure 1, element 14, and also the summary section, Col 3, lines 15-23 and 39-45. As known in the art, CD-ROMS are READ ONLY: a user cannot write to them! Thus, Subler cannot possibly either teach or suggest the inventive method of claim 31, which recites the acts of "distributing a first permission code to the optical disk reader in exchange for a first payment; generating a first access code by using the first permission code and the unique identifier; and writing the first access code onto the optical disk, whereby the optical disk reader may read the first portion of the content stored on the optical disk by using the first access code."

The Itami reference (USP 6,278,984) adds nothing further. To use an Itami disk, a user must first purchase a write-once optical disk having a vendor ID written to a system area. A control CPU then reads the vendor ID and compares it to the vendor ID for software to be written to the disk. As seen in Figure 2, the software/vendor ID may simply be downloaded using satellite dish 30. If the vendor IDs match, the software is written to the disk – see, e.g., the Abstract. It may be immediately seen that payment for the optical disk having the vendor ID must be tightly coupled to distribution – otherwise, you could get the disk having the

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appropriate vendor ID, download the software/vendor ID combination, and then be able to write the software to the disk. Thus, as set forth in Col. 9, the optical disks having the vendor IDs are available at a "sales shop" (see line 6) where the user must pay before getting the disk. In sharp contrast, the distribution of the content-mastered disks as recited in claim 31 is not coupled to payment. Instead, the payment is coupled to the distribution of the first permission code. Having possession of the first permission code, the storage engine may then generate the first access code, which is then written to the disk, thereby allowing the storage engine to access the corresponding content.

As such, claim 31 is plainly allowable over both the Subler and Itami references. Because claims 32 through 40 depend either directly or indirectly upon claim 31, these claims are allowable for at least the same reasons.

Applicants have amended claim 31 to address a minor typographical error.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that claims 31 through 40 are in condition for allowance.

If there are any questions regarding any aspect of the application, please call the undersigned at 949-752-7040.

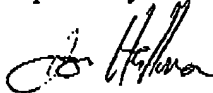
I hereby certify that this correspondence is being facsimile transmitted to (703) 872-9306: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 6, 2004.



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Date of Signature

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